

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION


BEST CHAIRS INCORPORATED,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	3:14-cv-00067-RLY-WGH
	)	
FACTORY DIRECT WHOLESALE, LLC,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER ON PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

On June 27, 2014, Plaintiff filed a Motion for Preliminary Injunction. Since that time, the parties have engaged in jurisdiction discovery, and the defendant, Factory Direct Wholesale, has moved to dismiss the Amended Complaint for lack of personal jurisdiction and for failure to state a claim upon which relief can be granted. “Before deciding any case on the merits, a federal court must ensure the presence of both subject-matter jurisdiction and personal jurisdiction.” *Kromrey v. U.S. Dep’t of Justice*, 423 Fed.Appx. 624, 626 (7th Cir. 2011). Thus, the court may not rule on the motion for preliminary injunction until it has satisfied itself of the presence of personal jurisdiction over Factory Direct. *Id.* Accordingly, the court **DENIES** Plaintiff’s Motion for Preliminary Injunction (Filing No. 13) **WITHOUT PREJUDICE**. If the court determines it has personal jurisdiction over Factory Direct, Plaintiff may move to

reinstate the Motion for Preliminary Injunction within twenty (20) days of the date of the court's ruling denying Factory Direct's Motion to Dismiss.

**SO ORDERED** this 30th day of March 2015.

  
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RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

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